

## 21 C.J.S. Courts § 66

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### Courts

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## II. Jurisdiction of Courts

### E. Mode of Acquiring Jurisdiction

#### 1. In General

### § 66. Sua sponte action or motion of court as acquiring jurisdiction

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#### West's Key Number Digest

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### Generally, a court cannot of its own motion assume jurisdiction.

Except in limited circumstances,<sup>1</sup> a court cannot sua sponte, or on its own motion<sup>2</sup> assume jurisdiction in a particular matter.<sup>3</sup> Subject matter jurisdiction is never presumed by the court.<sup>4</sup> An attempt by a court to assume subject matter jurisdiction on its own motion is futile, and proceedings pursuant to such a motion are void.<sup>5</sup>

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### Footnotes

1

W. Va.—*State ex rel. Preissler v. Dostert*, 163 W. Va. 719, 260 S.E.2d 279 (1979).

- 2 Fla.—*Garcia v. Stewart*, 906 So. 2d 1117 (Fla. 4th DCA 2005).
- N.C.—*In re Officials of Kill Devil Hills Police Dept.*, 223 N.C. App. 113, 733 S.E.2d 582 (2012).
- 3 N.C.—*Carpenter v. Carpenter*, 781 S.E.2d 828 (N.C. Ct. App. 2016).
- 4 Tex.—*King v. Deutsche Bank National Trust Company*, 472 S.W.3d 848 (Tex. App. Houston 1st Dist. 2015).
- As to the presumption of jurisdiction, see §§ 75, 76.
- 5 W. Va.—*State ex rel. Preissler v. Dostert*, 163 W. Va. 719, 260 S.E.2d 279 (1979).

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